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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/403,224 | 10/15/1999 | KOJI MATSUMOTO | 0020-4621P | 6995 |

7590

08/13/2003

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EXAMINER

WILSON, DONALD R

ART UNIT

PAPER NUMBER

1713

DATE MAILED: 08/13/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/403,224

Applicant(s)

MATSUMOTO ET AL

Examiner

Donald R Wilson

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-12 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 6/30/03, has been fully considered with the following results.

Previously Cited Statutes

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.
3. Applicant's continued traversal of the restriction requirement is not deemed to be persuasive and the finality of the restriction requirement is maintained. Applicant makes the conclusory statement that the subject matter is sufficiently connected such that there would be no burden on the Examiner to examine all of the claims. As set forth in the previous Office Action, it does not follow that product claims would be allowable if the process of making them is found to be allowable as has been alleged by applicant. Product claims made by any process which could lead to an equivalent product would need to be searched, which involves additional searching and concepts. Further, the entire prosecution of the application needs to be considered, not just the search.
4. Applicant's traversal of the prior art rejections is also not deemed to be persuasive and the rejections are maintained for reasons discussed below.

Claim Rejections - 35 USC § 102(b) - 35 USC § 103

5. **Claim 9 is under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO'995, Tatemoto, or Albano.** The basis of this rejection was stated in Detailed Action § 6-10 of the previous Office Action.

6. Applicant's argument that none of the references "--- disclose or suggest a primary and secondary curing step at the specific conditions of the claimed invention" (underlining added) is interesting as the instant claims recite "wherein no secondary curing is performed". Hence the argument cannot be sustained. The argument that the cited references exemplify the peroxides used in the present invention as equal to 2,5-dimethyl-2,5-di(tert-butylperoxy)hexane and fails to distinguish the peroxides used in the present invention from other peroxides is not deemed to be persuasive because they are at least distinguished by their specific teaching among a very limited number of peroxides. Thus, one of

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ordinary skill in the art would have readily envisaged using the same peroxides as used in the instantly claimed invention. The argument that there is no teaching that the cured products of the cited invention would have the same properties as those of the present invention is not deemed to be persuasive for reasons set forth in Detailed Action § of the previous Office Action.

7. **Claim 10 is rejected under 35 U.S.C. 103(a) as obvious over Tatemoto.** The basis of this rejection was stated in Detailed Action § 11-12 of the previous Office Action.

8. Applicant relies upon the same arguments used in the rejection of Claim 9 above which is not deemed to be persuasive for the same reasons stated above.

9. **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO'995, Tatemoto, or Albano, as applied to claim 9 above, and further in view of Admissions by Applicant.** The basis of this rejection was stated in Detailed Action § 13-14 of the previous Office Action.

10. Applicant again relies upon the same arguments used in the rejection of Claim 9 above which is not deemed to be persuasive for the same reasons stated above.

Action Is Final

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. This application contains Claims 11-12 drawn to an invention nonelected with traverse in Paper No. 15. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Future Correspondence

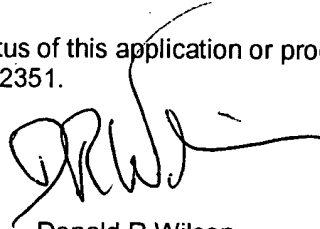
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald R Wilson whose telephone number is 703-308-2398.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 703-308-2450. The fax phone numbers for the organization where this

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application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications. The unofficial direct fax phone number to the Examiner's desk is 703-872-9029.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-2351.

A handwritten signature in black ink, appearing to read 'DRW', with a long horizontal stroke extending to the right.

Donald R Wilson
Primary Examiner
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